

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

CLERK'S OFFICE U.S. DIST. COURT
AT BIG STONE GAP, VA
FILED

FILED
for Abengoa
APR 10 2007

JOHN F. CORCORAN, CLERK
BY: *Shea*
DEPUTY CLERK

This case is before the court on the defendants' motions to dismiss, (Docket Item Nos. 2, 23 and 35), ("Motions to Dismiss"), and motions for sanctions, (Docket Items Nos. 37, 38), ("Motions for Sanctions"). This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable Pamela Meade Sargent. The Magistrate Judge filed a report recommending that the defendants' Motions to Dismiss and Motions for Sanctions be granted. (Docket Item No. 58), ("Report"). Upon a review of the objections to the Magistrate Judge's report, and the briefs filed by each party, the court hereby affirms the Report as to the Motions to Dismiss and hereby rejects the Report as to the Motions for Sanctions.

For the reasons detailed in the Memorandum Opinion accompanying this Order and entered this day, the defendants' Motions to Dismiss are hereby **GRANTED WITHOUT PREJUDICE**, and pursuant to Federal Rule 72(b), the defendants' Motions for Sanctions are hereby **DENIED**.

The Clerk is directed to enter this Order and to send copies of this Order and accompanying Memorandum Opinion to all counsel of record. The Clerk is further directed to strike this case from the docket of this court.

ENTER: This 10th day of April, 2007.

Glen M. Williams

THE HONORABLE GLEN M. WILLIAMS
SENIOR UNITED STATES DISTRICT JUDGE